IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
MISC.CIVIL APPLICATION No 238 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgment? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HINABEN ASHISHBHAI SODHA

Versus

ASHISHBHAI KISHOREBHAI SODHA

Appearance: MR YOGESH S LAKHANI for Petitioner Nos. 1-2
MR JV MEHTA for the Respondent.

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 11/12/2002

ORAL JUDGEMENT

This is an application under Section 24 of CPC filed by the wife and minor son of respondent herein. By the aforesaid application, it is prayed that Hindu Marriage Petition No.775 of 2001, which is pending in the Family Court No.3 at Ahmedabad, be transferred to the Civil Court, Rajkot.

It is the case of the applicants that the present applicants have filed proceeding under Section 9 of the Hindu Marriage Act for restitution of conjugal rights,

which is pending before the Civil Judge (Senior Division), Rajkot, which is numbered as Hindu Marriage Petition No.132 of 2001, and application under Section 24 for maintenance is also pending before the Civil Judge (Senior Division), Rajkot. Under these circumstances, it is prayed that the H.M.P. pending before the Family Court No.3 at Ahmedabad, may be transferred to the competent Court at Rajkot. It is also averred in the application that the applicant No.1 is having a minor son and it is very difficult for her to come to Ahmedabad for attending the H.M.P. filed in the Family Court at Ahmedabad.

Considering the facts and circumstances of the case, HMP No.775 of 2001, which is pending before the Family Court No.3 at Ahmedabad is ordered to be transferred to the Court of Civil Judge (Senior Division), Rajkot, and, thereafter, the said petition is ordered to be heard with HMP No.132 of 2001, which is filed by the present applicants for restitution of conjugal rights and which is pending before the Court of Civil Judge (Senior Division), Rajkot.

This Miscellaneous Civil Applicaiton is accordingly allowed. Rule is made absolute with no order as to costs.

11th December, 2002 (P.B. Majmudar, J.)

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(apj)